

REMARKS/ARGUMENTS

Claims 1-36 are currently pending in the application. Claims 1-6, 10-13, 15-23 and 27-36 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Appl. Publ. No. 2003/0043792 to Carpini et al. Claims 7-9, 24-26 and 33-35 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Carpini in view of U.S. Patent Appl. Publ. No. 2002/0167960 to Garcia-Luna-Aceves. The Examiner has indicated, however, that claim 14 recites allowable subject matter.

Applicants have amended the independent claims to clarify the operation of the invention in a manner that clearly distinguishes the claimed subject matter from the cited references. For example, claim 1 has been amended to state that the control module is operative to "forward the data packets received on the first network interface from the second network interface; and forward the data packets received on the second network interface from the first network interface." Claims 15, 16, 27 and 36 have been amended in a similar manner. As described in the specification, the claimed subject matter is directed to a system where a first network device is operative to transmit copies of packets (synchronization packets) to a partner network device and to receive synchronization packets in return. The synchronization packets allow the partner devices to synchronize their operational view of the network, for example, to facilitate various operations, such as a more seamless transition from one device to another in the case of a failover event.

To establish a *prima facie* case of obviousness, "the prior art must teach or suggest all the claim limitations." MPEP § 2143; see also MPEP § 2143.03 ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

Carpini has no relation to traffic synchronization, as disclosed and claimed in the present application. Rather, Carpini merely describes a network environment where MPLS routers establish redundant (primary and secondary) label-switched paths and, in some modes, replicate data flows and transmit the flows across both the primary and secondary paths, leaving it to the destination router to select which packets to forward. Carpini ¶ 0088. The redundant paths taught by Carpini, however, do not disclose or suggest the claimed subject matter directed to synchronization. For example, Carpini does not disclose a system where packets received at a first network interface are forwarded to destination hosts from a second network interface, and vice versa, while packets received at both the first and second network interfaces are transmitted as synchronization packets to a partner network device. Rather, the routing system disclosed by Carpini has a first network interface 11 for receiving packets from hosts, a second network interface 13 for receiving packets from hosts, and one or more network interfaces for transmitting the received packets along selected label-switched paths. According to the teachings of ¶ 0088 of Carpini, packets received at either interface 11 or 13 would be forwarded along two paths to a destination router either from one or two egress interfaces 19, 21 (depending on the configuration). See Carpini, Figures 1A & 2. Carpini, however, does not disclose a routing system where packets received on such egress interfaces 19, 21 are copied and transmitted as synchronization packets to a partner network device.

The Examiner's statements and reasoning at Paragraph 2, Page 3 of the Office Action is somewhat difficult to parse. Given what one of ordinary skill in the art would understand from the teachings of Carpini, Applicant is unsure as to what the Examiner means by "bi-directional interface." In any event, assuming that it does teach bi-directional interfaces, Carpini nevertheless fails to teach or suggest the claimed synchronization

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subject matter. Lastly, the Examiner relies on Garcia merely to teach a routing system that includes a wireless interface. Garcia, however, adds no additional teaching beyond Carpini relevant to the claimed subject matter.

In light of the foregoing amendments and the remarks, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this application.

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Respectfully Submitted,
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